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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590		11/05/2004	EXAMINER	
Baker Botts LLP		ENGLAND, DAVID E		
2001 Ross Avenue		ART UNIT		
Dallas, TX 75201-2980		PAPER NUMBER		
		2143		

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/658,238	Applicant(s) ZURAWSKI, JOHN C.	
	Examiner David E. England	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) * | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/25/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 17 are presented for examination.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 7, 11 and 16 are provisionally rejected under the judicially created doctrine of double patenting over claims 1 and 7 of copending Application No. 09/658237. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

3. The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: providing a set of predetermined function definitions which are different;

4. storing a project definition that includes:
5. a plurality of function portions which each correspond to one of said function definitions in said set, and which each define at least one input port and at least one output port that are functionally related according to the corresponding function definition; a further portion which includes a source portion identifying a data source and defining an output port through which data from the data source can be produced, and which includes a destination portion identifying a data destination and defining an input port through which data can be supplied to the data destination; and binding information which includes binding portions that each associate a respective said input port with one of said output ports.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

6. Claims 1, 7, 11 and 16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 7 of U.S. Application No. 09/658237 in view of Nguyen et al. (6202070) (hereinafter Nguyen).

7. As per claim 1, as closely interpreted by the Examiner, Applicant's previously submitted application claims teaches a method, comprising the steps of:

8. providing a set of predetermined function definitions which are different;
9. storing a project definition that includes:

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10. a plurality of function portions which each correspond to one of said function definitions in said set, and which each define at least one input port and at least one output port that are functionally related according to the corresponding function definition;

11. a further portion which includes a source portion identifying a data source and defining an output port through which data from the data source can be produced, and which includes a destination portion identifying a data destination and defining an input port through which data can be supplied to the data destination; and

12. binding information which includes binding portions that each associate a respective said input port with one of said output ports; but does not specifically teach automatically initiating execution of said project definition in response to a change to data in said data source.

13. Nguyen teaches automatically initiating execution of said project definition in response to a change to data in said data source, (e.g. col. 3, line 38 – col. 4, line 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make a system automated in response to updated information, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

14. Claims 7, 11 and 16 are rejected for similar reasons as stated above.

Second Office Action

15. Claims 1 – 17 are presented for examination.

Drawings

16. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the predetermined function definitions must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

17. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the function portions must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

18. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

19. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the trigger must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

20. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the causing said data source to automatically transmit said trigger through a communications link must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

21. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

22. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the responding to receipt of said trigger through said communications link by effecting said initiating of execution of said project definition must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

23. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

24. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

25. Claims 1, 7, 11 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation of, “predetermined function definitions”, is not specifically stated, as to what its function is, in the specification.

26. Claims 1, 7, 11 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation of, “a plurality of function portions”, is not specifically stated, as to what its function is, in the specification.

27. Claims 2, 3, 8, 9, 10, 11 and 15 – 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term “trigger” is not specifically defined in the specification.

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coile (6654795) in view of Hasegawa et al. (6333752) (hereinafter Hasegawa) in further view of Nguyen et al. (6202070) (hereinafter Nguyen).

30. As per claim 1, as closely interpreted by the Examiner, Coile teaches a method, comprising the steps of:

31. providing a set of predetermined function definitions which are different, (e.g. col. 1, lines 37 – 65, “*HTTP, IP*” & col. 4, line 36 – col. 5, line 12, “*IP*”);

32. a plurality of function portions which each correspond to one of said function definitions in said set, and which each define at least one input port and at least one output port that are functionally related according to the corresponding function definition, (e.g. col. 1, lines 37 – 65 & col. 4, line 36 – col. 5, line 12, “*source and destination ports*”);

33. a further portion which includes a source portion identifying a data source and defining an output port through which data from the data source can be produced, and which includes a destination portion identifying a data destination and defining an input port through which data can be supplied to the data destination, (e.g. col. 1, lines 37 – 65 & col. 4, line 36 – col. 5, line 12, “*source and destination addresses*”); and

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34. binding information which includes binding portions that each associate a respective said input port with one of said output ports, (e.g. col. 1, lines 37 – 65 & col. 4, line 36 – col. 5, line 12, “*IP packet*”); but does not specifically teach image data;
35. at least one of said predetermined function definitions defining a function for manipulating image data;
36. storing a project definition that is operable when executed to process said image data;
37. allowing a user to modify said project definition by interacting with said graphical representation using a pointing tool; and
38. automatically initiating execution of said project definition in response to a change to said image data in said data source;
39. wherein said execution of said project definition operates at least in part to manipulate a graphical aspect of said image data.
40. Hasegawa teaches image data, (e.g. Abstract);
41. at least one of said predetermined function definitions defining a function for manipulating image data, (e.g. col. 30, lines 9 – 18, “*The editing and processing section...*”);
42. storing a project definition that is operable when executed to process said image data, (e.g. col. 30, lines 44 – 52);
43. allowing a user to modify said project definition by interacting with said graphical representation using a pointing tool, (e.g. col. 30, lines 52 – 67, “*drag mouse*”); and
44. wherein said execution of said project definition operates at least in part to manipulate a graphical aspect of said image data, (e.g. col. 29, line 64 – col. 30, line 18, “*image changing section*”). It would have been obvious to one of ordinary skill in the art at the time the invention

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was made to combine Hasegawa with Coile because it would allow the user to easily check the characteristics of each image, and quickly grasp situations such as separated shape and size of the image on the contracted image, therefore the user can efficiently retrieve and manipulate any image.

45. Nguyen teaches automatically initiating execution of said project definition in response to a change to data in said data source, (e.g. col. 3, line 38 – col. 4, line 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make a system automated in response to updated information, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

46. As per claim 2, as closely interpreted by the Examiner, Coile does not specifically teach the steps of causing said data source to automatically generate a trigger in response to a change to said image data therein;

47. causing said data source to automatically transmit said trigger through a communications link; and

48. responding to receipt of said trigger through said communications link by effecting said initiating of execution of said project definition. Hasegawa teaches image data and Nguyen teaches the steps of causing said data source to automatically generate a trigger in response to a change to data therein, (e.g. col. 3, line 38 – col. 4, line 20 & col. 26, lines 35 – 65);

49. causing said data source to automatically transmit said trigger through a communications link, (e.g. col. 3, line 38 – col. 4, line 20 & col. 26, lines 35 – 65); and

50. responding to receipt of said trigger through said communications link by effecting said initiating of execution of said project definition, (e.g. col. 3, line 38 – col. 4, line 20 & col. 26, lines 35 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hasegawa and Nguyen with Coile because of similar reasons as stated above and furthermore, it would make a system more efficient to have a real time system that transmits changes over a network automatically immediately as they happen.

51. As per claim 3, as closely interpreted by the Examiner, Coile and Hasegawa do not specifically teach the step of expressing said trigger in a public communication protocol. Nguyen teaches teach the step of expressing said trigger in a public communication protocol, (e.g. col. 3, line 38 – col. 4, line 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Nguyen with the combine system of Coile and Hasegawa because of similar reasons as stated above.

52. As per claim 4, as closely interpreted by the Examiner, Coile teaches the step selecting as said public communication protocol the eXtensible Markup Language (XML) protocol, (e.g. col. 1, lines 15 – 30).

53. As per claim 5, as closely interpreted by the Examiner, Coile teaches the step of configuring said communications link to include a network, (e.g. col. 7, line 55 – col. 8, line 24 & col. 8, lines 46 – 65).

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54. As per claim 6, as closely interpreted by the Examiner, Coile and Hasegawa do not specifically teaches the step of configuring said network to include a portion of the Internet. Nguyen more specifically teaches the step of configuring said network to include a portion of the Internet, (e.g. col. 37, lines 1 – 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Nguyen with the combine system of Coile and Hasegawa because it would be more efficient for a system to be able to adapt and utilize a network that could communicate and interact with user around the world.

55. Claims 7 – 17 are rejected for similar reasons as stated above.

Response to Arguments

56. In regards to Applicant filing a terminal disclaimer to overcome any non-provisional double-patenting rejection, it is requested by the Examiner that the Applicant file a terminal disclaimer if any of the Applicant's multiple application submissions become patent worthy.

57. Applicant's arguments filed 06/25/2004, in regards to Drawing Objections and 35 U.S.C. 112 Rejection have been fully considered but they are not persuasive.

58. In the remarks, the Applicant argues in substance that examples of the "Predetermined Function Definitions" disclosed in claims 1, 7, 11 and 16 are disclosed in Tables 1 – 4 of pages 23 – 41 and also in page 83, lines 14 – 22.

59. As to part 1, Examiner would like to draw the Applicant's attention to the stated "Examples" are pointed out for the Examiner to consider in which Applicant as stated that they are "Examples" and not specific definitions for the limitation of "Predetermined Function Definitions". An "example" is put forth to help with an interpretation of what could be the limitation and is not considered a specific definition that the Examiner can link to the limitation. There is still no section in the specification that states that these definitions are "predetermined". The Applicant is advised to, stated that "Predetermined Function Definitions" are "Branching and Action Definitions" and/or the "standard definitions", or amend the claim language to replace "Predetermined Function Definitions" with the "Branching and Action Definitions" and/or the "standard definitions" so there is no misinterpretation in what the "definitions" could be and what they actually are.

60. Drawing Objections and 35 U.S.C. 112 Rejection in regard to the "Predetermined Function Definitions" still stand as stated above.

61. In the remarks, the Applicant argues in substance that examples of "Function Portions" and "a Plurality of Function Portions" can be found on page 15, lines 3 – 21, branch module 26 and action modules 31 and 32 of Figure 1 and page 45, lines 19 – 26, action modules 73 and 74 of Figure 6.

62. As to part 2, Examiner would like to draw the Applicant's attention to the stated "Examples" are pointed out for the Examiner to consider in which Applicant as stated that they are "Examples" and not specific definitions. The arguments to Applicant's Remarks are similar in nature to this argument. Therefore, the Drawing Objections and 35 U.S.C. 112 Rejection in

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regard to the “Function Portions” and “a Plurality of Function Portions” still stand as stated above.

63. In the remarks, Applicant argues in substance that an example of trigger can be request queue 296 of Figure 9 and line 30 of page 71 to line 24 of page 72 and lines 3 – 20 of page 101.

64. As to part 3, Examiner would like to draw the Applicant’s attention to the sections stated above on page 101 in comparison to pages 71 and 72. In which, no connection can be found in regards to the request queue 296 being a “trigger” compared to page 101’s description of how a “trigger” functions in the claimed invention. In pages 71 and 72 as quoted by the Applicant, *“Execution of one of the project definitions 286 is initiated in response receipt by the process server 212 of a request.”* As clearly stated the “request queue 296” does not “trigger” anything. Instead a “receipt by the process server 212 of a request” appears to be the “trigger”, as closely interpreted by the Examiner in view of Applicant’s quoted sections. It is asked that the Applicant confirm or deny this assumption so to better interpret the claim language as stated above.

65. Furthermore, the Examiner would like to draw the Applicant’s attention to the stated “Examples” are pointed out for the Examiner to consider in which Applicant as stated that they are “Examples” and not specific definitions in regards to the section quoted by the Applicant on pages 71 and 72. Therefore, the Drawing Objections and 35 U.S.C. 112 Rejection in regard to the “Trigger” still stand as stated above.

66. The Drawing Objection to “causing said data source to automatically transmit said trigger through a communications link” and “responding to receipt of said trigger through said

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communications link by effecting said initiating of execution of said project definition” have similar grounds in response to Applicant’s Remarks, which is stated above in parts 1 – 3 in regards to the Applicant stated examples and not definitions of some type.

67. Therefore, these Drawing Objections still stand as stated above.

68. Applicant’s arguments, see page 18, filed 06/25/2004, with respect to the 35 U.S.C. 112, second paragraph on the term “trigger” has been fully considered and are persuasive. The 35 U.S.C. 112, second paragraph of “trigger” has been withdrawn.

69. Applicant's arguments with respect to the 35 U.S.C. 103(a) claims 1 – 17 have been considered but are moot in view of the new ground(s) of rejection, necessitated by Applicant’s substantial amendment (i.e., *adding the limitations of image data, at least one of said predetermined function definitions defining a function for manipulating image data, storing a project definition that is operable when executed to process said image data, allowing a user to modify said project definition by interacting with said graphical representation using a pointing tool, and wherein said execution of said project definition operates at least in part to manipulate a graphical aspect of said image data, to all the independent claims and said image data of claims 2 and 8*) to the claims which significantly affected the scope thereof.

Conclusion

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70. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

71. a. Iida U.S. Patent No. 5974431 discloses Document composition system and method for composing a document by using vector data.

72. b. Sugimoto U.S. Patent No. 6750890 discloses Method and device for displaying a history of image processing information.

73. c. Hirano et al. U.S. Patent No. 5943054 discloses Function designate method for designating a variety of functions to be performed by a control unit.

74. d. Tsutsui U.S. Patent No. 6674742 discloses Digital camera and method which displays a page number of a displayed page.

75. e. Bloomberg U.S. Patent No. 5765176 discloses Performing document image management tasks using an iconic image having embedded encoded information.

76. f. Beitet et al. U.S. Patent No. 5307457 discloses Trigger field display selection.

77. g. Kaehler et al. U.S. Patent No. 5515496 discloses Computer system with direct manipulation interface and method of operating same.

78. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

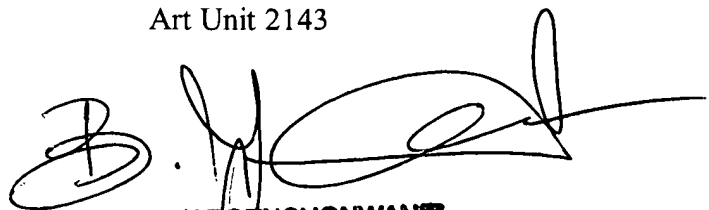
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De



BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER